



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,227	08/07/2001	John Blair	7106-001 REG US	2450
7590 06/24/2008 DIANE VAN OS, PATENT ADMINISTRATOR, VISIONEER INC. 8016 SOUTH DEERCREEK CANYON ROAD MORRISON, CO 80465-9530				
EXAMINER				
WORKU, NEGUSSIE				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
06/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/924,227

**Applicant(s)**

BLAIR ET AL.

**Examiner**

NEGUSSIE WORKU

**Art Unit**

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/31/03, 11/16/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This response is in reply to amendment filed on April 23, 2008. Claims 2-4, 6-7 are pending, of which claims 1, 5, 20-22 are cancelled, and claims 9-19 are remain withdrawn.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/23/08, has been entered.

#### ***Response to Arguments***

3. Applicant's arguments filed 04/23/08 have been fully considered but they are not persuasive. Regarding claim 7, applicant argues that the prior art dose not teach that" a flat bed scanner" In this case, the Examiner asserts that, Nihei teaches a method, as shown in fig 1-3 further comprising flatbed scanner 6 of fig 2, connected to the computer via USB 3, to be controlled by terminal 30 of fig 3, therefore, examiner respectfully disagree with applicant's characterization of the Office action. Accordingly, the office action has been maintained, and made non-final.

#### ***Claim Rejections - 35 USC § 102***

Art Unit: 2625

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 2-4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Nihei (USP 7,098,942).

With respect to claim 2, Nihei teaches an image acquisition apparatus (as shown in fig 1-3) connected to at least one USB equipped computer, (flat bed scanner 6, connected to computer 30 of fig 3, through USB terminal 3 of fig 1, col.3, lines 45-55) comprising: one or more digital card reader slots to accept transmittal means (interface 31 of fig 3) for inputting image data into a control circuit (30 of fig 3, which control the over whole operation of image capture system) within said apparatus (col.4, lines 15-21); transmittal means (interface 31 of fig 3) for sending said image data from said control circuit (30 of fig 3) through the USB system of said compute (col.4, 15-22)r; interface means (30 of fig 3) for said control circuit (30 of fig 3) to receive instructions from, and send data to, control software on said computer (30 of fig 1).

With respect to claim 3, Nihei teaches an apparatus (as shown in fig 1-3), further comprising simple control means (a configuration of circuit of fig 3, which in includes a software to control the system through computer 30 of fig 3, for controlling the over whole

operation of the system of fig 2) for directing complex operations of said control circuit and said control software directly from the outside of said apparatus, (flatbed scanner 6 of fig 2, connected to the computer via USB 3, to be controlled by computer terminal 30 of fig 3) said means (30 of fig 1) comprising: at least one button (touch panel display unit 33 of fig 3) on said apparatus (image capture system of fig 1 and 2) wherein said button has a function determined by said control software indicating that button to direct a scanned image to result in a fax, email, print job or archive command (touch panel 33 of fig 3, a part of computer 30 of fig 3); an interface (I/F interface 31 of fig 3) for said button (touch sensitive panel 33 of fig 3) to direct said control circuit and said control software (col.4, lines 19-22, and also col.48-53).

With respect to claim 4, Nihei teaches an apparatus (as shown in fig 1-3), wherein said image input means (image capture system of fig 1, which is a flat bed scan 6, as shown in fig 1 and 2), further comprising a flatbed scanner, wherein said image input means further comprising a flatbed scanner, said scanner containing one or more digital card reader slots which may accommodate at least one of a Compact Memory card reader, (card reader 35 of fig 3, col.4, lines 33-35) a Smart Media card reader, a PC or PCMCIA card, reader, a Memory Stick reader, a Multi Media card reader, a Secure Digital card reader, and an IBM Micro-drive reader (col.5, lines13-17).

With respect to claim 7, Nihei teaches a method (as shown in fig 1-3), further comprising simple control means (a configuration of circuit of fig 3, which includes a

Art Unit: 2625

software to control the system through computer 30 fig 3, for controlling the over whole operation of the system of fig 2) for directing complex operations of said control circuit and said control software directly from the outside of said apparatus, (flatbed scanner 6 of fig 2, connected to the computer via USB 3, to be controlled by computer terminal 30 of fig 3) said means (30 of fig 1) comprising: at least one button (touch panel display unit 33 of fig 3) on said apparatus (image capture system of fig 1 and 2) wherein said button has a function determined by said control software (touch panel 33 of fig 3, a part of computer 30 of fig 3); an interface (I/F interface 31 of fig 3) for said button (touch sensitive panel 33 of fig 3) to direct said control circuit and said control software (col.4, lines 19-22, and also col.48-53).

### ***Allowable Subject Matter***

6. Claim 6 is allowed.

Claims 6 is allowed for the reasons the prior art searched and of the record dose not teach or suggest an image processing method in an image acquisition apparatus connected to at least one USB equipped computer, comprising: a) an image input step for inputting image data into a control circuit within said apparatus; b) a transmittal step for sending said image data from said control circuit through the USB system of said computer; c) an interface step for said control circuit to receive instructions from, and send data to, control software on said computer upon detection of the insertion of the appropriate media into at least one of a Compact Flash Memory card reader, a Smart

Media card reader, a PC or PCMCIA Card reader, a Memory Stick reader, a Multi Media card reader, a Secure Digital card reader, and a IBM Micro drive reader, wherein the inventive software automatically launches a user interface upon insertion and detection thereof and offers one or more user options to process the data without having to press a button on the scanner.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2625

/Negussie Worku/

Examiner, Art Unit 2625